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**1 - Sinkhole commissioners to brief public Wednesday night, BRADV, 5/1/13**

<http://theadvocate.com/home/5854127-125/sinkhole-commissioners-brief-public-wednesday>

A majority of the 13-member Blue Ribbon Commission investigating the Assumption Parish sinkhole plans to attend a community meeting at 6 p.m. Wednesday in Napoleonville to deliver a public briefing on the panel's work to date, state regulators said Tuesday.

**2 - New questions surround McLennan County emergency planning, WFAA, 4/30/13**

<http://www.wfaa.com/news/investigates/New-questions-surround-McLennan-Co-Emergency-Plan-Committee--205480441.html>

McLennan County has been receiving federal dollars to help run a federally-mandated emergency planning committee that may not exist, a News 8 investigation has found.

**3 - U.S. Sen. Barbara Boxer announces committee investigation of West Fertilizer Co. explosion, federal oversight, DMN, 4/30/13**

<http://thescoopblog.dallasnews.com/2013/04/u-s-sen-barbara-boxer-announces-investigation-of-west-explosion.html/>

Sen. Barbara Boxer said the Senate Environment and Public Works Committee, which she chairs, will investigate the explosion itself, the effort to determine what happened, and ways in which better regulation could prevent future disasters.

**4 - West mayor says Texas town will rebuild, KXAN, 4/30/13**

<http://www.kxan.com/dpp/news/texas/west-mayor-says-texas-town-will-rebuilt>

WEST, Texas (AP) — The mayor of a Texas town devastated by a deadly fertilizer plant explosion says he expects the community to rebuild and he'll do the same.

**5 - Treated wastewater blending in, OdessaAmer, 4/30/13**

[http://www.oaoa.com/news/government/article\\_36d75450-b117-11e2-ae79-0019bb30f31a.html](http://www.oaoa.com/news/government/article_36d75450-b117-11e2-ae79-0019bb30f31a.html)

Usually the saying goes "out with the old, in with the new" but with the Colorado River Municipal Water District it's "in with the old, mixed with the new." CRMWD completed a \$12 million desalination plant in Big Spring this month and began treating two million gallons of wastewater Thursday and incorporating it back into 45 million gallons of fresh water.

**6 - St. John levee progress meeting draws Rep. Cedric Richmond to LaPlace, NOLA, 4/30/13**

[http://www.nola.com/environment/index.ssf/2013/04/congressman\\_cedric\\_richmond\\_di.html#incart\\_river](http://www.nola.com/environment/index.ssf/2013/04/congressman_cedric_richmond_di.html#incart_river)

U.S. Rep. Cedric Richmond on Tuesday evening hosted a town hall meeting at the St. John Parish Community Center in LaPlace to answer questions from parish residents about levee progress, flood insurance increases and the Biggert-Waters Act. Richmond was joined by several representatives from the Army Corps of Engineers.

**7 - BP's \$340 million Louisiana restoration payment draws comments from environmental groups, U.S. senators, NOLA, 4/30/13**

[http://www.nola.com/environment/index.ssf/2013/04/environmental\\_groups\\_us\\_senato.html#incart\\_river](http://www.nola.com/environment/index.ssf/2013/04/environmental_groups_us_senato.html#incart_river)

**What others are saying about the approval of spending \$340 million from BP early Natural Resource Damage Assessment dollars to rebuild four barrier islands and create two fisheries laboratories in Louisiana:**

**8 - Editorial: Less is more in the Texas Legislature--and better for Texas, StarTelegram, 4/30/13**  
<http://www.star-telegram.com/2013/04/30/v-print/4815393/less-is-more-in-the-texas-legislature.html>  
The Texas Legislature is trying to do as little as possible this session, which is good news.

**9 - EPA Scientists Float Scaled-Back Version Of Endocrine Screening Program, Inside EPA, 4/30/13**  
<http://insideepa.com/201304302432800/EPA-Daily-News/Daily-News/epa-scientists-float-scaled-back-version-of-endocrine-screening-program/menu-id-95.html>  
A pair of scientists in EPA's research office is proposing a scaled-back version of the first round of testing currently required by the agency's Endocrine Disruptor Screening Program (EDSP), an effort that one of the scientists says is being welcomed by toxics office officials, who are struggling to operate the nearly 20-year-old program.

**10 - EPA Planning More Stringent Standards For Stormwater at Newly Developed Sites, BNA, 4/30/13**  
[http://esweb.bna.com/eslw/1245/split\\_display.adp?fedfid=30834256&vname=dennotallissues&jd=a0d8a9v9n3&split=0](http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=30834256&vname=dennotallissues&jd=a0d8a9v9n3&split=0)  
The Environmental Protection Agency is planning to propose greater retention of stormwater at new developments as compared to redeveloped sites, an agency official said April 30.

**11 - Prosperous play's new oil estimates could influence pipeline plans, EENEWS, 5/1/13**  
<http://www.eenews.net/energywire/2013/05/01/1>  
HOUSTON -- The resource potential of the booming Bakken Shale oil and gas zone is much bigger than previously thought, U.S. government geologists announced yesterday.

**12 - States scramble as EPA shifts research monitors into regulatory mode, EENEWS, 4/30/13**  
<http://www.eenews.net/Greenwire/2013/04/30/1>  
A little-noticed change in U.S. EPA air policy has turned a national pollution-monitoring network that has been providing data to researchers for 22 years into a regulatory tool, leaving states scrambling to figure out the implications.

# Sinkhole commissioners to brief public Wednesday night

BY DAVID J. MITCHELL

River Parishes bureau

A majority of the 13-member Blue Ribbon Commission investigating the Assumption Parish sinkhole plans to attend a community meeting at 6 p.m. Wednesday in Napoleonville to deliver a public briefing on the panel's work to date, state regulators said Tuesday.

Appointed in March in response to the 13-acre swampland sinkhole emergency near the Bayou Corne community, all but one of the commission members visited the site and Bayou Corne during a four-hour tour Monday, state and parish officials said.

The group has been closeted in private work sessions since that visit, on Monday afternoon and evening and again Tuesday, at the state Department of Natural Resources offices in Baton Rouge, said Patrick Courreges, DNR spokesman.

"They are looking at different things and just trying to figure out what is it we need to know," Courreges said in summing up the commission's deliberations. "What do we already have going into it and what are we still going to need to look at this or that?"

He said the group plans another work session Wednesday during the day before the meeting with residents Wednesday night in the Assumption Parish Community Center, 4910 La. 308, Napoleonville.

The commissioners have been asked to set the criteria upon which a recommendation can be made about the long-term stability of the area and when evacuated residents can return home.

Residents in Bayou Corne and Grand Bayou have been under evacuation orders for nearly nine months.

The sinkhole was discovered Aug. 3.

John Boudreaux, director of the Assumption Parish Office of Homeland Security and Emergency Preparedness, said he led the commissioners' tour Monday.

Members went on flights over the sinkhole; visited well pads on Texas Brine's site, including one next to the sinkhole; saw vent wells being used to remove gas trapped under the area; saw the sinkhole containment berm now under construction; and drove through the Bayou Corne community.

Courreges said the commissioners, who already had been given a briefing on the sinkhole, remarked Monday that seeing the scale of the sinkhole up close and learning of the extensive responses to it were "eye-opening."

He reiterated DNR's and several outside scientists' belief that a cavern failure of the kind that happened in Bayou Corne, as well as the sinkhole that resulted, have never happened in the collective experience of mining salt dome caverns with freshwater.

"Nobody has ever seen anything like this before," Courreges said.

He said the commissioner who did not visit the sinkhole Monday had been there a few weeks ago and was able to assess the situation.

The sinkhole formed last year when a Texas Brine Co. cavern carved from an underground salt dome, the Napoleonville Dome, failed when the cavern was mined too closely to the dome's outer face through a process called solution mining, scientists believe.

The resulting sidewall failure resulted in periodic tremors and unleashed crude oil and gas from deep underground, scientists say.

Natural gas still bubbles up in area bayous and is caught in an aquifer under the area, parish officials said.

The panel is focused on three areas as a basis for creating criteria to evaluate the sinkhole's long-term stability: levels of shallow gas in the aquifer, the stability on the western side of Napoleonville Dome and the management and containment of the sinkhole itself.

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<http://www.wfaa.com/news/investigates/New-questions-surround-McLennan-Co-Emergency-Plan-Committee--205480441.html#>

## **New questions surround McLennan County emergency planning**

by BRETT SHIPP

WFAA

Posted on April 30, 2013 at 10:00 PM

Updated yesterday at 11:13 PM

McLennan County has been receiving federal dollars to help run a federally-mandated emergency planning committee that may not exist, a News 8 investigation has found.

On April 17, the West Fertilizer Company exploded, resulting in death for 12 first responders. Last week, a News 8 investigation found McLennan County officials did not appoint a mandatory local emergency planning committee prior to the explosion.

As investigators comb the debris at the fertilizer plant, new questions are surfacing about what firefighters knew about any chemical threats... and how county officials should have been prepared.

Audio tapes of first responders at the scene gave no indication they were aware that a potentially explosive situation awaited.

That's the kind of information that might have been discussed by what's known as a [Local Emergency Planning Committee](#), or LEPC. Each county in Texas is [mandated by federal law](#) to have one.

According to an [LEPC handbook](#) provided by the Governor's Division of Emergency Management:

"...the LEPC serves as a focal point in the community for information and discussions about hazardous substance emergency planning, and health and environmental risks."

"LEPCs are crucial to local hazardous materials planning and community right-to-know programs."

Steve Howie heads up the 14-member LEPC in Kaufman County. "We are here for one reason, and that's to protect the citizens we serve," he said. "So it's imperative we know what we've got, know what we are going into up front, and what our options are as to whether we go in and fight, lay back and evacuate."

State records show [McLennan County Judge Scott Felton](#) heads up his county's LEPC. Last week, by phone, Judge Felton told News 8 he had no knowledge of the LEPC in his county as he has only been in office since October 2012.

On Tuesday, in person, Judge Felton knew little more.

“I know they have plans in place to handle certain [emergencies],” Felton said. “There's a group of people that met in June before I came on.”

Felton said the LEPC head is actually [McLennan County Emergency Management Coordinator Frank Patterson](#). Last week, Patterson told News 8 by phone he did not have any information about the county's LEPC's makeup or management.

But at the same time, News 8 has discovered applications in 2009 and again this year by McLennan County seeking an estimated \$80,000 a year in federal grants for — among other things — LEPC meetings and for LEPC operations.

On Tuesday, we were told that LEPC records *do* exist, and the committee met last June. When we asked for an accounting of that \$80,000 yearly federal grant — specifically any money spent for the LEPC — we were told we would have to file a formal request for information.

In an e-mail last weekend, Emergency Management Director Patterson called our story “inaccurate” and “unsubstantiated.” Over the past three days, we have asked for interviews, evidence and clarification of his comments.

Patterson has not responded, and we're told he is busy in West helping the town recover from the explosion.

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<http://thescoopblog.dallasnews.com/2013/04/u-s-sen-barbara-boxer-announces-investigation-of-west-explosion.html/>

## U.S. Sen. Barbara Boxer announces committee investigation of West Fertilizer Co. explosion, federal oversight



By [Randy Lee Loftis](#)

[rloftis@dallasnews.com](mailto:rloftis@dallasnews.com)

2:25 pm on April 30, 2013 | [Permalink](#)

Sen. Barbara Boxer said the [Senate Environment and Public Works Committee](#), which she chairs, will investigate the explosion itself, the effort to determine what happened, and ways in which better regulation could prevent future disasters.

Boxer sent questions to the [U.S. Chemical Safety Board](#), which is on the scene, and the [Environmental Protection Agency](#). She asked the EPA to explain how it handles companies' required disclosures of chemical risks, suggesting that she suspects the agency might not have followed through on West's report and others around the country.

In a news release, Boxer said:

"I cannot rest until we get to the bottom of what caused the disaster in West, Texas and the tragic loss of life. It is critical that we find out how this happened. We must ensure that facilities like the one in West are complying with chemical safety laws. We will look at how the laws on the books are being enforced and whether there is a need to strengthen them.

Boxer gave the federal agencies until May 16 to answer her questions. She said she would schedule an oversight hearing soon.

EPW press release:

[http://www.epw.senate.gov/public/index.cfm?FuseAction=Majority.PressReleases&ContentRecord\\_id=5c5072de-0c95-6026-d673-4d5bae108ba2&Region\\_id=&Issue\\_id=](http://www.epw.senate.gov/public/index.cfm?FuseAction=Majority.PressReleases&ContentRecord_id=5c5072de-0c95-6026-d673-4d5bae108ba2&Region_id=&Issue_id=)

# West mayor says Texas town will rebuild

## Investigation into fertilizer plant blast goes on

Updated: Tuesday, 30 Apr 2013, 6:33 PM CDT  
Published : Tuesday, 30 Apr 2013, 10:18 AM CDT

WEST, Texas (AP) — The mayor of a Texas town devastated by a deadly fertilizer plant explosion says he expects the community to rebuild and he'll do the same.

West Mayor Tommy Muska said Tuesday that his hometown of about 2,700 has received donations from across the country since the April 17 accident.

Investigators are trying to determine what sparked the blast that leveled the West Fertilizer Co. plant, left 14 people dead and damaged dozens of structures.

Muska says town officials are seeking state and federal assistance. He says the community is strong, resilient and "it will come back."

The 55-year-old mayor and insurance agent says his damaged four-bedroom home must be demolished but he'll rebuild. Muska, his wife and 14-year-old daughter are renting a house in an undamaged part of West.

Meanwhile, people near the site of a deadly fertilizer plant explosion in Central Texas have been advised that smoke could be generated as part of the investigation.

Officials in West say heavy equipment will be used on Tuesday to remove debris and grain and that could lead to smoke — but residents shouldn't be alarmed.

Authorities say it's part of the process to determine what caused the fiery April 17 blast that killed 14 people. Another 200 people were hurt in the explosion that damaged or destroyed dozens of buildings in West, located about 70 miles south of Fort Worth.

A boil water notice remains in effect.

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## Treated wastewater blending in

**BY MICHELLE BROWNSTONE** mbrownstone@oaoa.com | **Posted: Tuesday, April 30, 2013 8:45 am**

Usually the saying goes “out with the old, in with the new” but with the Colorado River Municipal Water District it’s “in with the old, mixed with the new.”

CRMWD completed a \$12 million desalination plant in Big Spring this month and began treating two million gallons of wastewater Thursday and incorporating it back into 45 million gallons of fresh water.

In addition to Odessa, that filtered wastewater will be pumped to Midland, Big Spring, Stanton and possibly Snyder, CRMWD General Manager John Grant said

“As long as people are flushing their toilets, that water will always be there,” Grant said. “That wastewater that goes through the treatment would normally get dumped into the creek but we’re picking it up and treating it. We’re one of the first in the area to actually take treated wastewater and blend it back in with the raw water system. It comes out of the plant drinking water quality.”

Odessa currently gets all of its water from the Colorado River Municipal Water District with most of that water coming from the Lake O.H. Ivie reservoir right now, which just fell below 20 percent full, Grant said.

The wastewater is treated using a three-process system that includes microfiltration, reverse osmosis and UV disinfection, Grant said.

“When you look at the grand scheme of things it only produces about two million gallons of water a day,” Grant said. “But two million gallons a day will take care of a little over 10,000 people.”

Odessa resident Stephanie Brightman is not happy about using wastewater.

“It’s gross,” Brightman, 24, said. “That’s not OK no matter how much you clean it. Ew, that just grosses me out.”

Odessan Joan Bishop doesn’t mind watering her lawn with recycled water but she’d rather it end there.

“It just sounds really yucky,” Bishop, 62, said. “I think I’d rather they stop and just use it for us to water the lawns.”

Odessan Carmen Villalobos doesn’t like the idea and wishes they would stop immediately.

“That’s nasty,” Villalobos said. “We don’t know where it came from. I wish they wouldn’t even consider it and people would conserve water.”

In December CRMWD completed a 45-mile pipeline for groundwater with the capacity to move 30 million gallons of water daily from fresh groundwater sources in Ward County, Odessa City Manager Richard Morton said.

That pipeline was built in addition to an existing pipeline in Ward County that can pump about 15 million gallons a day, Morton said.

However, the newer pipeline, which cost about \$120 million to build the entire project, including well fields and pumps, and the older pipeline aren’t being used now because there isn’t a demand for it, Grant said.

That newer pipeline was paid for by CRMWD but they recover their cost through rates to Odessa and other customers, Morton said.

“In the beginning of 2011 our water supplies didn’t look good and we were concerned we were going to run out of surface water with no rain,” Grant said. “We planned ahead and started building the Ward County well field and pipeline in early 2011 knowing it would take about two years to finish. A little over two years ago our projections were that with no rain and inflow to the lakes, we would run out of surface water about this time but we got some pretty heavy rains last fall that has allowed us to continue to use surface water from the reservoirs.”

Grant said the groundwater is also not being used now because they like to use surface water before it evaporates before resorting to groundwater.

That pipeline may be used to deliver groundwater if needed as the demand for water picks up during the summer months, Grant said.

Grant estimates the City of Odessa is using about 20 million gallons of water daily now.

Meanwhile the city is continuing efforts to find an additional source of water by drilling a test well in Fort Stockton to check water quality.

City officials originally planned to drill a well in Ward County to the Capitan Reef Aquifer but put that project on hold to see if the water quality from the same aquifer in Fort Stockton, about 93 miles southwest of Odessa, is better.

“Fort Stockton has claimed the water there is better quality, even though it’s in the same aquifer,” Morton said. “This well will give us definite information.”

Drilling on the test well began April 22 and will take about 20 days to get results, Morton said.

The \$700,000 test well will also examine the impact on the aquifer if they were to pump from it.

The Capitan Reef has brackish, or saline, water so a desalination plant and 93-mile pipeline will need to be built for about \$180 million total if the city uses that water, Morton said.

They would need approval from the Odessa City Council, Fort Stockton City Council and the Middle Pecos Groundwater District to authorize the export of water, Morton said.

If water quality is not better there or if the project does not get approval, the city may forgo that project in Fort Stockton and go back to the original plan, to drill a well and build a desalination plant in Ward County, Morton said.

Odessa encountered water restrictions for the first time from CRMWD in the summer of 2011 when water usage was first reduced to 25 million gallons per day, then to 22 million gallons per day, Morton said.

City officials are not anticipating water restrictions to be as strict as last summer but it is always a possibility while the drought continues.



Everything New Orleans

## St. John levee progress meeting draws Rep. Cedric Richmond to LaPlace

[Juliet Linderman, NOLA.com | The Times-Picayune](#) By [Juliet Linderman, NOLA.com | The Times-Picayune](#)  
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on April 30, 2013 at 9:44 PM, updated May 01, 2013 at 9:01 AM

People need information in order to make accurate and wise decisions, even if they don't like the answers." -  
 - U.S. Rep. Cedric Richmond

U.S. Rep. [Cedric Richmond](#) on Tuesday evening hosted a town hall meeting at the St. John Parish Community Center in [LaPlace](#) to answer questions from parish residents about levee progress, flood insurance increases and the Biggert-Waters Act. Richmond was joined by several representatives from the [Army Corps of Engineers](#).

"People need information in order to make accurate and wise decisions, even if they don't like the answers," said Richmond, who spent roughly half of the 90-minute meeting fielding questions from the audience. "You owe it to them to give them the facts. This levee is not going to be here tomorrow. This levee is not going to be here next year. But hopefully it'll be here the year after, and we have to keep working on it, and give people information."

During their presentation, representatives from the Army Corps of Engineers laid out for St. John residents a rough timeline of the West Shore Lake Pontchartrain levee progress, including milestones the agency hopes to meet in order to green-light design and construction phases. The project is currently in the feasibility study phase, which has been underway since 2008, and includes three possible scenarios for levee placement. The corps hopes to make a decision on the levee placement in June. However, in order to continue, Congress must authorize \$650,000 to complete the study. Securing this funding is Richmond's top priority, the congressman said.

Richmond used his time at the microphone on Tuesday to reiterate his commitment to St. John the Baptist Parish and the River Parishes, and vowed to fight for the funds on a federal level. "I'd say it's my most important priority in the next couple of days, and it's been like that for the last week or so," Richmond said of securing the \$650,000. "I feel optimistic about it."

But many in the audience remained skeptical of the promise of a levee, and the speed with which the project – originally started in 1971 – has moved forward.

"They still need to come up with \$650,000 to finish a study. We're still in the first phases of deciding if we need to protection? We flooded. We need help. Do something about it," said LaPlace resident Gwen Smith. "I don't think we'll get a levee anytime soon, if at all. They're too busy doing their studies."

Check back with [NOLA.com](http://NOLA.com) in the morning for a complete meeting report.

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Everything New Orleans

## BP's \$340 million Louisiana restoration payment draws comments from environmental groups, U.S. senators

[Mark Schleifstein, NOLA.com | The Times-Picayune](#) By [Mark Schleifstein, NOLA.com | The Times-Picayune](#)  
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on April 30, 2013 at 8:13 PM, updated April 30, 2013 at 8:15 PM

What others are saying about the approval of [spending \\$340 million from BP early Natural Resource Damage Assessment dollars to](#) rebuild four barrier islands and create two fisheries laboratories in Louisiana:

Joint statement by the **Environmental Defense Fund, National Wildlife Federation and National Audubon Society:**

"More than two years after BP's initial pledge, it's about time that a large amount of early Natural Resource Damage Assessment funds be released for work in hard-hit Louisiana. These dollars, still only a portion of the \$1 billion BP down payment, will restore four barrier islands directly affected by the 2010 BP oil disaster, that provide important habitat for birds, fish and other wildlife.

"We are glad to see the Natural Resource Damage Assessment process is moving forward, because Gulf Coast restoration has waited long enough. The Mississippi River Delta is an economic and environmental cornerstone for the Gulf region and the entire nation, and barrier island restoration projects are an important component of necessary comprehensive coastal restoration. These projects will materially advance implementation of Louisiana's 2012 Master Plan for a Sustainable Coast, the foundation of the effort to reverse wetland loss in the Mississippi River Delta.

"We encourage the Natural Resource Damage Assessment trustees, the state of Louisiana, the National Oceanic and Atmospheric Administration (NOAA), the Department of Interior (DOI) and BP to continue to work together on projects like these that will restore Louisiana's coast following the harm done during the BP oil disaster."

**BP:**

"We are extremely pleased to have reached agreement with the Trustees on the new projects, which will provide significant long-term benefits to the environment and the people of Louisiana," said Laura Folse, BP's Executive Vice President for Response and Environmental Restoration. "With the help of the extensive cleanup efforts, early restoration projects, and natural recovery processes, the Gulf is returning to its baseline condition, which is the condition it would be in if the accident had not occurred."

**Audubon Louisiana**, the state chapter of the national environmental organization:

"We commend the State on its significant continuation of early NRDA work today. The Governor's announcement accelerates momentum on the repair of our coast and recovery of wildlife damaged during the Deepwater Horizon Oil Spill," said Doug Meffert, Executive Director of Audubon Louisiana. "We all remember oiled pelicans and other water birds as icons of the oil spill's devastation. Audubon strongly supports this suite of island restoration projects, specifically Cheniere Ronquille and North Breton Island. In addition to their storm surge protection benefits, these islands will provide critical nesting and foraging habitat for local and migratory birds that depend on Louisiana's coast for their survival."

**U.S. Sen. David Vitter, R-La.:**

"I've been concerned that BP is dragging its feet on NRDA, possibly so that Clean Water Act fines pursuant to the settlement can be utilized for crucial projects that NRDA dollars should cover separately," Vitter said. "This payment being announced today is certainly a good step to ensure that the NRDA money for which Louisiana should be the greatest benefactor is spent appropriately."

**U.S. Sen. Mary Landrieu, D-La.:**

"Today's announcement that BP will pay \$340 million to fund restoration projects to protect our communities is good news – these important projects are long overdue. But to truly achieve justice for the Gulf after the Deepwater Horizon disaster, we need a resolution to the civil case against BP so the projected billions in fines can begin flowing. Because of the RESTORE Act, 80 percent of the Clean Water Act fines will go directly to the Gulf Coast states for coastal protection and restoration, and economic recovery. But we're still waiting for these funds, and as each day passes, we lose more of our coast. We have waited long enough, and I continue my call for a swift resolution of BP's civil case so we can get to work rebuilding our coastline and protecting our communities from storm surges."

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html

# Star-Telegram

## Less is more in the Texas Legislature--and better for Texas

Posted Tuesday, Apr. 30, 2013

BY BUD KENNEDY

[bud@star-telegram.com](mailto:bud@star-telegram.com)

The Texas Legislature is trying to do as little as possible this session, which is good news.

House Speaker Joe Straus tried to help.

He gave the House only two basic assignments to finish by May 27:

- Find more water and
- Reform the schools.

So, naturally, the Legislature has been busy on such vital matters as whether to discontinue lotto games and to declare pecan the official state pie.

In a session interrupted by a presidential inauguration, a tragic explosion and a library dedication, everybody seems to agree that the Legislature, as usual, has left most of the work for the last days.

By May's end, lawmakers will have to bring back some version of that water resources plan Democrats brought down on a point of order this week, hash out education and — well, mainly stay out of the way.

Former state Rep. Barbara Nash, following from home in Arlington, laughed.

"They're not passing as many bills as we did," she said.

"That's not a bad thing."

From Rice University in Houston, political science professor Mark P. Jones noted the lack of hot-button debate.

Compared with last session's *Daily Show*- and *Doonesbury*-worthy debates on "sanctuary cities" and transvaginal sonograms, this go-round has been "much more sedate and less entertaining," Jones wrote.

"But from a pure public policy perspective, that does not mean it has been less effective."

The best comic interlude so far has been the House's three-hour flip-flop on the lottery. Lawmakers puffed up about gambling long enough to eliminate the state game (by not renewing the overseeing agency), but then backed off rather than replace that \$1.1 billion per year.

In local subplots, Tarrant County's five Tea Party rookies have been mostly quiet, and House leaders seem to like it that way.

If you miss the rough-and-tumble Lege, I have just the guy for you: state Rep. Bill Zedler.

Zedler is challenging, in no particular order:

- **Arlington police.** He wants Arlington's remote-control surveillance minicopter kept away from private property without a search warrant.
- **Day laborers:** His bill bans spending public money to "facilitate the employment of aliens."
- **Science:** His bill protects professors and students for advocating so-called intelligent design.
- **Strippers:** He wants them to get licenses. And wear them.

From home in Fort Worth, former state Rep. Mark Shelton is taking it all in and considering whether to run for the Senate again.

"That water plan needs to move ahead," he said. "I was sorry the Democrats stopped that."

"In the final days, a lot of things can happen — and a lot of things can *not* happen."

We can only hope.

*Bud Kennedy's column appears Sundays, Wednesdays and Fridays. 817-390-7538 Twitter: @BudKennedy Get alerts at [RebelMouse.com/budkennedy](http://RebelMouse.com/budkennedy)*

[Looking for comments?](#)





Daily News

## EPA Scientists Float Scaled-Back Version Of Endocrine Screening Program

Posted: April 30, 2013

A pair of scientists in EPA's research office is proposing a scaled-back version of the first round of testing currently required by the agency's Endocrine Disruptor Screening Program (EDSP), an effort that one of the scientists says is being welcomed by toxics office officials, who are struggling to operate the nearly 20-year-old program.

The two EPA research office scientists, Gerald Ankley and L. Earl Gray Jr., last month published a paper outlining their suggestions for how to more efficiently and affordably screen of chemicals suspected of disrupting the human endocrine, or hormone, system.

Rather than requiring chemical manufacturers to run the chemicals through all 11 screening assays that EPA currently requires for Tier 1 EDSP testing, the scientists are instead suggesting that chemicals be screened through only two of the assays to determine if additional screening is required.

Gray presented the proposal, which he calls a "logic-based decision tree" at an April 23-24 workshop on the EDSP program in Research Triangle Park, NC, which was run by the independent risk assessment consulting group Toxicology Excellence for Risk Assessment and sponsored by industry and animal rights groups.

In his presentation, Gray called the two screening assays the "gatekeeper" assays, and suggested that if these two assays indicate there is not endocrine activity, the chemical should be placed on hold status, and the remaining Tier 1 assays should not be executed.

But if the gatekeeper assays suggest estrogen, androgen or thyroid activity, additional assays would be performed based on the effects seen in the gatekeeper and any subsequent assays, Gray said.

He said that the decision tree is "not complete, and still a work in progress," and added that he and Ankley "presented this to the program office, who were wildly enthusiastic."

The paper, "Cross-Species Conservation of Endocrine Pathways: A Critical Analysis of Tier 1 Fish and Rat Screening Assays with 12 Model Chemicals," first appeared on the website of the journal *Environmental Toxicology and Chemistry* March 19.

When Congress first mandated the EDSP program in 1996, it was intended to provide a quick and cheap screen of substances' potential to interfere with the human endocrine system.

Instead, the two-tiered program's first tier screen ballooned into 11 *in vivo* and *in vitro* assays, with a total cost of as much as \$1 million, speakers indicated during the recent workshop.

Over the course of the past year, companies provided results from the Tier 1 assays that EPA required for some 67 pesticides that were on the first list of chemicals to undergo Tier 1 screening, and agency staff is now reviewing the results of those assays.

But many industry and animal rights groups are concerned about the cost of complying with EPA's screening mandates.

### 'Gatekeeper' Assays

To address this, Gray and Ankley propose running only two *in vivo* "gatekeeper" assays -- the fathead minnow and pubertal male rat assays included in EDSP Tier 1, Gray said. Positive results in these assays could trigger further testing through other Tier 1 assays, such as the Hershberger, amphibian, pubertal female rat or aromatase assays.

Gray explained that *in vitro* assays cannot be gatekeeper assays because they cannot account for absorption, distribution, metabolism and excretion [ADME] and are also missing pathways of estrogen, androgen and thyroid (EAT) and cannot predict "other modes of toxicity."

While the agency is seeking to gradually transition toward various cellular or computational efforts to perform future endocrine screening, Gray raised questions about high-throughput cellular testing, saying that these "assays are even more limited [than the *in vitro* assays in the existing Tier 1 screen] at this point in time" and have not been validated by the Organization for Economic Cooperation & Development.

Gray also proposed an interim step before screened chemicals went on to EDSP Tier 2 testing, which EPA has yet to finalize. While the agency has indicated for years that a half-dozen assays will make up the second tier, several remain to be validated, as required by law for inclusion in EDSP.

Gray called his interim step Tier 1.5, and describes it on his presentation slides as "additional *in vitro* or short-term *in vivo* assays to confirm equivocal tier one screening results or to explore potential EAT effects in more detail before initiating extensive tier two testing."

"If we run through tier 1 and it's equivocal, does that mean our only option is to run Tier 2 [assays]?" Gray asked rhetorically. "That doesn't make sense."

Others at the conference proposed additional steps that EPA might consider as it moves forward with the long controversial program. Rick Becker, senior toxicologist with the American Chemistry Council (ACC), pressed the agency to place the program on hold while staff review the myriad results companies provided in the results of screening the first list of chemicals and consider their meaning.

"Maybe it's time for a hard stop, sit up and look at what we've got and at the same time, accelerate ToxCast," Becker said. "I'm concerned we could do all the testing and what have we gained? Are we ready for a hard stop, for a year or two?"

Becker also suggested that EPA create a new advisory committee for the EDSP program, similar to the existing Pesticide Program Dialogue Committee (PPDC), a group of stakeholders who provide input to the agency's pesticides program. "Seems to me, there is some potential for a PPDC," Becker said during a discussion at the end of the workshop. "It seems to me there's a lack of a group like that with EDSP and yet there's a greater need for that more than ever."

The meeting's content and discussions will be included in a published report. Upon completion, the report will be provided to EPA, meeting organizers said.

## Chemicals Testing

Separately, the Endocrine Policy Forum, an industry group representing companies that received test orders for EDSP List 1 chemicals, is raising concerns over the testing assays, which they say need more refinement before being used to prioritize chemicals for testing in order to reduce the number of false positives produced that will necessarily subject a chemical to more expensive Tier 2 testing.

"We want to know that Tier 1 screens are going to be relevant for sending us to Tier 2 tests, relevant for risk assessment," Ellen Mihaich, scientific coordinator for the Endocrine Policy Forum, and head of the consulting firm Environmental and Regulatory Resources, LLC, told a session of the CropLife America spring meeting April 19 in Arlington, VA. She added that industry still supports an eventual move to high-throughput methods available under EPA's ToxCast program, but only if it's done right.

Under the ToxCast program, which is part of the government-wide Tox21 Initiative, EPA is developing ways to conduct *in vitro* and *in silico* methods for toxicity testing in an effort to replace more costly and time-intensive animal testing. Though EPA has had considerable advances in the ability of the program, and has screened thousands of chemicals, it is yet to be considered sufficient to use in a regulatory context.

"We aren't trying to bad mouth [ToxCast]," Mihaich told *Inside EPA* in an interview on the sidelines of the conference. "What we are saying is more work needs to happen . . . if we are going to use it to replace studies, we need to be confident" in the results.

Mihaich told the meeting that given that the battery of testing required under EDSP Tier 1 for each chemical is \$750,000 to \$1 million, "it is not trivial and we want to get it right."

In her presentation, Mihaich said that when data from List 1 chemicals from the current Tier 1 screening battery, which includes both animal and high-throughput screening assays was compared with data run on those chemicals entirely through ToxCast, the ToxCast data resulted in a far greater incidence of false positives, which in some cases were as high as 50 percent.

While the group is supportive of moving to high-throughput screening for EDSP, the "methods, assays and data need to be appropriately validated," Mihaich said.

EDSP "is a work in progress for both EPA and for us," she continued, adding that while the group was not able to look at all the data for the Tier 1 chemicals to compare false positives, the review "gives us an idea of what's going on." -- *Maria Hegstad & Jenny Hopkinson*

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EPA Planning More Stringent Standards For Stormwater at Newly Developed Sites

**84 DEN A-2*****Water Pollution*****EPA Planning More Stringent Standards  
For Stormwater at Newly Developed Sites***By Amena H. Saiyid*

The Environmental Protection Agency is planning to propose greater retention of stormwater at new developments as compared to redeveloped sites, an agency official said April 30.

Speaking at a webinar on the agency's stormwater rulemaking, Christopher Kloss, green infrastructure and stormwater coordinator in the EPA Office of Water, said, "We will have differential standards" in the upcoming proposed rule on post-construction stormwater.

The purpose of proposing more stringent standards for stormwater at newly developed sites versus relatively relaxed standards at redeveloped sites is to create an incentive for businesses to invest in redevelopment projects in cities, he explained.

"Right now, we recognize the current situation where we have [stormwater] standards within [municipal separate storm sewer systems], and not outside," Kloss said, adding that the situation makes for "an unequal playing field."

He said the agency would like to capitalize on trends that are showing a movement toward redevelopment in the urban centers, he said.

EPA is under a 2010 consent agreement with the Chesapeake Bay Foundation to propose a post-construction stormwater rule by June 10 and to finalize the rule by Dec. 10, 2014 (*Fowler v. EPA*, D.D.C., No. 1:09-cv-5, 5/11/10; 139 DEN A-1, 7/20/12)..

Kloss said he expects the agency will set at least a 90-day period for comments because of the complex nature of the rulemaking.

The webinar was organized by the U.S. Water Alliance, the Mayors Innovation Project, and the Clean Water for Healthy Communities Coalition.

**Not for Combined Sewer Systems**

The post-construction stormwater rule would apply to developed and redeveloped sites inside cities and towns with municipal separate storm sewer systems (MS4s) but not to cities with combined sewer systems for both stormwater and wastewater, according to Kloss.

Kloss explained the goal of the post-construction stormwater rule is to reduce the volume of stormwater runoff that transports pollutants into nearby waters, causing impairments. By retaining a portion of the rainfall on these sites through the use of performance standards, be they green infrastructure or natural features, "you basically eliminate the discharge of any pollutants for that particular volume," he said.

He said EPA was considering performance standards to retain stormwater discharges at sites between one and five acres. He said the agency is yet to decide on a threshold for performance standards.

Moreover, Kloss said EPA would give local governments flexibility in meeting the performance requirements to retain stormwater on sites. For instance, Kloss said, a locality could comply with

national standards if it already has a mix of green infrastructure, such as porous pavements and grassy swales, and gray infrastructure practices in place to retain stormwater.

### **Implications for Land Use**

Also speaking during the webinar were Mayor David Pope of Oak Park, Ill., and Kevin Shafer, executive director of Milwaukee Metropolitan Sewerage District.

Pope said the upcoming stormwater rule would have broader implications for land use planning in cities, particularly cities like Oak Park that adjoin major metropolitan centers like Chicago. He said cities would have to make decisions about infrastructure investment and about adjusting their land ordinances.

Shafer said "there ought to be separate standards for new development and redevelopment, very much like what Mayor Pope was taking about."

Shafer also emphasized that local governments ought to be given flexibility in deciding how to meet performance standards.

After the webinar, Shafer told BNA he was "relieved" to hear that EPA is considering different standards for developments occurring within and without the MS4s.

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## THE POLITICS AND BUSINESS OF UNCONVENTIONAL ENERGY

### 1. BAKKEN SHALE:

#### Prosperous play's new oil estimates could influence pipeline plans

Nathanial Gronewold, E&E reporter

*Published: Wednesday, May 1, 2013*

HOUSTON -- The resource potential of the booming Bakken Shale oil and gas zone is much bigger than previously thought, U.S. government geologists announced yesterday.

A new assessment of oil and gas reserves in that region by the U.S. Geological Survey concludes that industry could have access to almost double the amount of hydrocarbons previously calculated in parts of North Dakota, South Dakota and Montana. That rapid increase in the reserve estimate comes mainly from a first-time assessment of the Bakken Shale's sister geologic zone underlying it, the Three Forks Formation.

The finding could have major implications for future oil and gas industrial activity in the region, particularly for pipeline companies.

A longer lifetime for Bakken exploitation may boost the economic attractiveness of building the vast majority of the controversial Keystone XL pipeline project entirely in the United States, with or without a green light from the Obama administration. But the recent cancellation of a competing Bakken pipeline project could suggest otherwise.

TransCanada, the company proposing the massive Keystone XL project, has already indicated that the line would also be used to carry Bakken crude south to the Texas Gulf of Mexico coast. Overdependence on rail for moving oil out of Bakken fields has producers eager for new pipeline capacity, but the possibility of building just the U.S. segments of the Keystone XL pipeline, which would require no formal approval from the federal executive branch, is still only a vague idea that the company has not committed to.

Combining the Three Forks and the Bakken together, USGS now believes the region holds approximately 7.4 billion barrels of undiscovered, technically recoverable crude oil. That about doubles the initial assessment the agency made back in 2008.

USGS scientists believe that the Three Forks Formation, which is deeper than the Bakken, is likely actually larger than the Bakken Shale, the formation that has been the target of drilling during most of North Dakota's recent oil boom. The government estimates that Three Forks holds about 3.73 billion barrels of recoverable crude oil, compared with 3.65 billion barrels for the Bakken Shale.

During a call to announce the new findings, Interior Secretary Sally Jewell called the findings "important information as we continue to reduce our nation's dependence on foreign sources of oil." Though some industry sources have produced higher estimates, Jewell indicated that Interior trusts USGS's calculations.

"This represents sound science by U.S. Geologic Survey scientists using the best available data, which includes data from industry, the state of North Dakota and Montana," Jewell said. USGS's second look at the Bakken region "is based purely on science and the best available information, and that's what this represents," she added.

The government's geological agency also increased its estimate of the natural gas potential for the region. USGS said the Bakken and Three Forks combined likely hold about 6.7 trillion cubic feet of recoverable natural gas, also about double the figures arrived at in 2008.

THE LEADER IN ENERGY & ENVIRONMENTAL POLICY NEWS

## 1. AIR POLLUTION:

### States scramble as EPA shifts research monitors into regulatory mode

Jason Plautz, E&E reporter

Published: Tuesday, April 30, 2013

A little-noticed change in U.S. EPA air policy has turned a national pollution-monitoring network that has been providing data to researchers for 22 years into a regulatory tool, leaving states scrambling to figure out the implications.

At issue are 90 air monitors in the Clean Air Status and Trends Network, or CASTNET, launched in 1991 by the landmark Clean Air Act amendments to track long-term trends in acid rain pollutants as well as rural ozone, a component of smog.

The network was the exclusive domain of scientists until 2010, when EPA's Office of Air and Radiation "upgraded" the CASTNET monitors to allow them to be used for regulatory work -- to determine compliance with the ozone standard. So data collected by the monitors will go into EPA's 2011-2013 designations of areas that are in nonattainment for ozone and thus at risk for penalties.

State regulators, which were slow to notice the change, are now trying to understand what it means. And so far, the shift has claimed one station.

Tom Gross, chief of air monitoring and planning for the Kansas Department of Environment and Health, said he only learned last month that the state's only CASTNET monitor at the Konza Prairie site near Manhattan had a regulatory purpose.

"In this particular case, this is not a location where we would put a compliance monitor," Gross said in an interview. "This is a rural area on a research site where we're researching burning practices on the prairie. While we want research-type monitors in locations that are in harm's way, they're there for research."

After discussions with regional and federal EPA officials, Gross said, the state shut down the monitor. The Nature Conservancy, which owns the Konza Prairie site, and Kansas State University, which conducts research there, agreed, and the monitor was turned off at the beginning of April.

"I was very disappointed that we were essentially forced to take it offline because of the circumstances," said John Blair, a KSU biology professor who conducts research on the Konza Prairie site.

"The work that CASTNET does in terms of monitoring trends is critical," he said. "The longer we collect this data, the more valuable it becomes, and this is information we just wouldn't have without these monitors."

Nine other state regulatory agencies contacted by *Greenwire* said they're similarly assessing how to adjust to the change. Officials in Tennessee and Kentucky, for example, said representatives of EPA's Region 4 office in Atlanta only notified them of the changes in March; they're awaiting a conference call in the coming weeks to discuss the implications.

EPA did not make a CASTNET official available for comment but said in a statement that most air quality monitors have multiple purposes. EPA's State and Local Air Monitoring Stations (SLAMS) network has roughly 4,000 stations to measure criteria pollutants for compliance.

"Today, CASTNET ozone monitors provide information on ozone concentrations in rural areas while also providing data that can be used to help determine whether an area is meeting EPA's ozone standards," EPA said.